

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALEXANDER SINCLAIR,

Plaintiff,

v.

DYLAN SCHMIT, et al.,¹

Defendants.

No. 2:25-cv-0903 CSK P

ORDER AND

FINDINGS & RECOMMENDATIONS

Plaintiff is a county jail inmate proceeding pro se with a civil rights action brought under 42 U.S.C. § 1983. Plaintiff's motion for injunctive relief is before the Court. As discussed below, plaintiff is granted an extension of time to file the completed application for leave to proceed in forma pauperis, along with a certified copy of his inmate trust account statement for the past six months, and it is recommended that plaintiff's motion for injunctive relief be denied without prejudice.

I. PLAINTIFF'S ALLEGATIONS

Plaintiff's first claim sets forth a litany of violations, citing Eighth and Fourteenth Amendment violations, racist retaliation, excessive property, sabotage, conspiracy, fraud, kidnap,

¹ Plaintiff objects to the omission of his first named defendant in the complaint, "Respondent(s) for Sinclair v. Clark High Court." (ECF No. 6 at 1.) However, such defendant is not an identifiable person; therefore, the Court used "Dylan Schmit" as the leading defendant.

1 false document, and access to the courts. (ECF No. 1 at 3.) Plaintiff claims that on June 20,
2 2023, he was kidnapped to a mental hospital without correct documents where he was cell
3 extracted and illegally forcibly injected, and also suffered an illegal blood draw. (Id.) Plaintiff
4 alleges that defendants Bogert, McCormick, Franklin, Schmit, McBane, Maple, Shorna, and
5 Crouse “had servants sabotage evidence” against plaintiff. (Id.) The remaining allegations in
6 claim one are incomprehensible, although plaintiff refers to inadequate pain medication, false
7 extradition, racist harassment, unsanitary conditions, and excessive force. (Id. at 3, 7-9.)

8 In his second claim, plaintiff alleges “search and seizure,” “in on destroying evidence and
9 sabotage in civil suit as unknown conjugal partner.” (Id. at 4.) Plaintiff claims “Tracey Master(s)
10 falsif[ied] attack in being a witness to assault w[ith] deadly weapon then tr[ied] to avoid perjury
11 [by] admit[ing] it’s two on one.” (Id.) LeRose prepared false documents for bribery with
12 defendant “Gavin Newsom and Jim Brown in an extradition warrant” in Washington State. (Id.)
13 Plaintiff also appears to claim he was falsely classified as mentally ill, and was subjected to a
14 false incident report. (Id.) Plaintiff refers to the Los Angeles County Sheriff’s Department and
15 District Attorney’s Office, but their relevance is unclear. The remainder of plaintiff’s second
16 claim is incomprehensible. (Id.)

17 In his third claim, plaintiff claims he was denied the right to a speedy trial, “falsify
18 absentia due process clause,” and retaliation. (Id. at 5.) Plaintiff claims he was illegally forced to
19 the state hospital without going to court by use of excessive force. (Id.)

20 Plaintiff names thirteen defendants: (1) “Respondent(s) for Sinclair v. Clark High
21 Court;” (2) Dylan Schmit; (3) Judge Shauna Franklin; (4) Judge Tami R. Bogert; (5) Carol
22 McBane; (6) Public Defender Andrew S. Crouse; (7) Judge Kevin J. McCormick; (8) Sacramento
23 County Supervisor Caity Maple; (9) Jason Davis; (10) Paul J. Bailey; (11) Jefferson Gormon;
24 (12) Krishna Shorna; and (13) Governor Gavin Newsom. (ECF No. 6 at 2, 7.) Plaintiff refers to
25 each defendant as a “conjugal partner.” (Id.)

26 Plaintiff appears to seek money damages, but his other requests for relief are unclear. (Id.
27 at 6, 10-12.) Plaintiff also mentions his other case, Sinclair v. Clark, No. 2:24-cv-0038 TLN EFB
28

1 P (E.D. Cal.).² (ECF No. 1 at 6.) In Sinclair v. Clark, plaintiff filed a petition for writ of habeas
2 corpus alleging, among other things, a violation of his right to a speedy trial. Sinclair v. Clark,
3 No. 2:24-cv-0038 TLN EFB P (ECF No. 1). On August 20, 2024, the petition was dismissed for
4 failure to comply with Rule 2(c) of the Rules Governing Section 2254 Cases and Rule 8 of the
5 Federal Rules of Civil Procedure, and plaintiff was granted leave to file an amended petition, as
6 well as to file an application to proceed in forma pauperis or pay the appropriate filing fee. Id.
7 (ECF No. 4.) On March 27, 2025, the assigned magistrate judge recommended that the case be
8 dismissed without prejudice based on plaintiff's failure to comply with the August 26, 2024
9 order. Id. (ECF No. 8.)

10 II. MARCH 31, 2025 ORDER

11 In this case, plaintiff was ordered to file a completed in forma pauperis affidavit and a
12 certified copy of his inmate trust account statement, and was cautioned that failure to do so would
13 result in a recommendation that this action be dismissed. (ECF No. 4.) The thirty day period has
14 now expired, and plaintiff has not filed the required documents. However, in his motion for
15 preliminary injunction, plaintiff claims he cannot get the in forma pauperis application done due
16 to "racial bias." (ECF No. 6 at 1.) Plaintiff claims that on January 5, 2025, he mailed a "Motion
17 of Notice on Emergency Response on Respondent's Malice Misconduct . . . " to Judge Kim. (Id.)
18 However, Judge Kim's case was not opened until March 20, 2025, and plaintiff's motion was
19 filed in his earlier case, Sinclair v. Clark, No. 2:24-cv-0038 TLN EFB P (ECF No. 5) on January
20 13, 2025. Because that document was filed before this case was opened, it cannot explain why
21 plaintiff failed to comply with the March 31, 2025 order issued in this case.

22 Plaintiff is advised that if he is unable to comply with a court order, he should file a
23 request for extension of time, explaining why he is unable to meet the deadline. In an abundance
24 of caution, plaintiff is granted an additional thirty days to comply with the March 31, 2025 order.
25 Failure to provide these documents will result in a recommendation that this action be dismissed.

26 ² A court may take judicial notice of court records. See, e.g., Bennett v. Medtronic, Inc., 285
27 F.3d 801, 803 n.2 (9th Cir. 2002) ("[W]e may take notice of proceedings in other courts, both
28 within and without the federal judicial system, if those proceedings have a direct relation to
matters at issue") (internal quotation omitted).

III. MOTION FOR PRELIMINARY INJUNCTION

A. Plaintiff's Allegations

On May 5, 2025, plaintiff filed a motion for preliminary injunction. (ECF No. 6.)

Plaintiff contends he has been “having racist retaliation” since he filed his petition in Case No. 2:24-cv-0038 TLN EFB. (Id. at 1.) Plaintiff’s allegations are incomprehensible, ranging as follows: “racist retaliation by Governor Newsom on its servant Barborsa, brother in law . . . to Newsom C.H.P.,” “retaliation starved [him] out” in March and April 2025, “attempted murder on [plaintiff] destroyed [his] notes,” on March 28, 2025, defendant Krishna Shorna “knowingly” and “illegally” forcibly injected plaintiff with illegal blood draw with cell extraction ordered by Judge Benjamin Cassady; plaintiff was denied a witness, but no specific proceedings are identified; last shower on March 27, 2025, still receiving cold food; false disciplinary on or about July 18 or 19, 2024; “known kidnap and robbery with dirty needle with S.T.D. the Chief of State Hospital aware of who is conjugal partner with San Luis Obispo County” and refused to contact county law enforcement; Judge Cassady’s order of transfer was void; medical denied plaintiff his keep on person asthma pump and nasal spray around April 18 or 19, 2025; plaintiff is considered a hostage because he was not supposed to return to the Sacramento County Jail without prosecution; and references invasion of privacy, rape and murder, and claims he was subjected to a conservatorship against his will. (Id. at 1-3.) Plaintiff refers to an incident in 2011 in Los Angeles County, and to San Luis Obispo County, but it is unclear what relevance those have to plaintiff’s claims in this action.³ (Id. at 1, 2, 3.)

Plaintiff’s requested relief is similarly unclear. For example, plaintiff asks that all servants involved in the misconduct go to the dump and find all of plaintiff’s documents. (Id. at 4.) Plaintiff seeks all information on other inmates subject to false conservatorships with illegal forced injections and illegal blood draws. Plaintiff seeks an investigation into human trafficking in Los Angeles, Sacramento and San Francisco. (Id.) Plaintiff wants all professionals who

³ Indeed, to the extent plaintiff is attempting to bring claims based on incidents that took place in Los Angeles or San Luis Obispo Counties, such claims must be commenced, if at all, in the United States District Court for the Central District of California.

1 falsified his mental health records to be charged and “license disbarred for malpractice.” (Id. at
2 5.)

3 B. Legal Standards

4 “A preliminary injunction is an extraordinary remedy never awarded as of right.” Winter
5 v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 24 (2008). To qualify for injunctive relief, plaintiff
6 must demonstrate: (1) a likelihood of success on the merits; (2) a likelihood that he will suffer
7 irreparable harm without an injunction; (3) the balance of equities tips in his favor; and (4) an
8 injunction is in the public interest. Id. at 20. A deficiency in any element precludes relief. Id. at
9 23.

10 As to the second element of Winter, an injunction “is unavailable absent a showing of
11 irreparable injury, a requirement that cannot be met where there is no showing of any real or
12 immediate threat that the plaintiff will be wronged again -- a likelihood of substantial and
13 immediate irreparable injury.” City of Los Angeles v. Lyons, 461 U.S. 95, 111 (1983) (internal
14 quotation marks and citation omitted). Speculative injury does not constitute irreparable harm.
15 See Caribbean Marine Serv. Co. v. Baldridge, 844 F.2d 668, 674 (9th Cir. 1988). A presently
16 existing actual threat must be shown, although the injury need not be certain to occur. Zenith
17 Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 130-31 (1969); FDIC v. Garner, 125 F.3d
18 1272, 1279-80 (9th Cir. 1997), cert. denied, 523 U.S. 1020 (1998).

19 Procedurally, a federal district court may issue emergency injunctive relief only if it has
20 personal jurisdiction over the parties and subject matter jurisdiction over the lawsuit. See Murphy
21 Bros., Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 350 (1999) (noting that one “becomes a
22 party officially, and is required to take action in that capacity, only upon service of summons or
23 other authority-asserting measure stating the time within which the party served must appear to
24 defend.”).

25 In addition, the injunctive relief an applicant requests must relate to the claims brought in
26 the complaint. See Pac. Radiation Oncology, LLC v. Queen’s Med. Ctr., 810 F.3d 631, 633 (9th
27 Cir. 2015) (“When a plaintiff seeks injunctive relief based on claims not pled in the complaint,
28 the court does not have the authority to issue an injunction.”). Absent a nexus between the injury

1 claimed in the motion and the underlying complaint, the court lacks the authority to grant plaintiff
2 any relief. Id. at 636; see also Beaton v. Miller, 2020 WL 5847014, at *1 (E.D. Cal. Oct. 1, 2020)
3 (the court’s jurisdiction is “limited to the parties in this action” and the pendency of an action
4 “does not give the Court jurisdiction over prison officials in general or over the conditions of an
5 inmate’s confinement unrelated to the claims before it.”).

6 Finally, the Prison Litigation Reform Act (“PLRA”) imposes additional requirements on
7 prisoner litigants seeking preliminary injunctive relief against prison officials. In such cases,
8 “[p]reliminary injunctive relief must be narrowly drawn, extend no further than necessary to
9 correct the harm the court finds requires preliminary relief, and be the least intrusive means
10 necessary to correct that harm.” 18 U.S.C. § 3626(a)(2); Villery v. California Dep’t of Corr.,
11 2016 WL 70326, at *3 (E.D. Cal. Jan. 6, 2016). As the Ninth Circuit observed, the PLRA places
12 significant limits upon a court’s power to grant preliminary injunctive relief to inmates, and
13 “operates simultaneously to restrict the equity jurisdiction of federal courts and to protect the
14 bargaining power of prison administrators—no longer may courts grant or approve relief that
15 binds prison administrators to do more than the constitutional minimum.” Gilmore v. People of
16 the State of California, 220 F.3d 987, 998-99 (9th Cir. 2000).

17 C. Discussion

18 Here, plaintiff’s complaint has not yet been screened, and no defendant has been served
19 with process. Until defendants have been served with process, this Court lacks personal
20 jurisdiction over them, and may not grant the injunctive relief he seeks. See Fed. R. Civ. P.
21 65(d)(2); Murphy Bros, Inc., 526 U.S. at 350.

22 Further, plaintiff did not address the elements required under Winter: “that he is likely to
23 succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary
24 relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.”
25 Winter, 555 U.S. at 20. In addition, plaintiff failed to clearly identify the specific injunctive relief
26 he seeks that is related to a claim raised in his complaint. Plaintiff has not clearly identified a
27 nexus between the injunctive relief sought and a specific claim raised in the complaint. Pac.
28 Radiation Oncology, 810 F.3d at 633.

1 Finally, the requested relief the Court could glean from plaintiff's motion is not narrowly
2 drawn, does not extend any further than necessary to correct the alleged harm, and does not
3 appear to be the least intrusive means necessary to correct that harm. Indeed, plaintiff's motion
4 does not make clear what harm plaintiff allegedly faces absent preliminary relief. Therefore,
5 plaintiff's motion also violates the PLRA.

6 For the above reasons, the Court recommends that plaintiff's motion for injunctive relief
7 (ECF No. 6) be denied without prejudice.

8 IV. CONCLUSION

9 In accordance with the above, IT IS HEREBY ORDERED that:

10 1. The Clerk of the Court is directed to assign a district judge to this case.

11 2. Plaintiff is granted thirty days from the date of this order to submit a completed
12 affidavit in support of the request to proceed in forma pauperis on the form provided by the Clerk
13 of Court, and a certified copy of the inmate trust account statement for the six month period
14 immediately preceding the filing of the complaint.

15 3. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In
16 Forma Pauperis By a Prisoner.

17 4. Plaintiff's failure to comply with this order will result in a recommendation that this
18 action be dismissed without prejudice.

19 Further, IT IS RECOMMENDED that plaintiff's motion for injunctive relief (ECF No. 1
20 at 3) be denied without prejudice.

21 These findings and recommendations are submitted to the United States District Judge
22 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
23 after being served with these findings and recommendations, any party may file written
24 objections with the court and serve a copy on all parties. Such a document should be captioned
25 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
26 objections shall be filed and served within fourteen days after service of the objections. The
27 parties are advised that failure to file objections within the specified time may waive the right to

28 ///

1 appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

2
3 Dated: May 8, 2025

4 
5 CHI SOO KIM
6 UNITED STATES MAGISTRATE JUDGE

7 /1/sinc0903.pi
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28